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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,331	02/26/2002	Masahiro Kaiwa	9683/103	7057
757 7590 04/04/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER DURAN, ARTHUR D	
			ART UNIT 3622	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/070,331

Applicant(s)

KAIWA ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/13/04; 11/4/02; 2/26/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-7, 12, 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Doi (2001/0014911).

Claims 1, 18: Doi discloses a location information service supporting method comprising:

a location information obtaining service in which a location information service supporting gateway situated between a first network including a mobile network and a second network obtains a location information indicating the location of a locating target person via the first network and a mobile device accompanied with the locating target person so that a service provider provides a service relating to the location of the locating target person; and

a location information sending service in which the location information service supporting gateway sends the location information to a destination designated by the service provider via the first or the second network (Figures 1, 3, 7, 14, 6).

Claim 2: Doi discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service supporting gateway sends the location information to the service provider (Figures 1, 3, 7, 14, 6).

Claim 4, 19: Doi discloses a location information service supporting method of claim 1, wherein, on behalf of the service provider, the location information service supporting gateway certifies a locating target person or a person who receives a service ([5]).

Claim 5: Doi discloses a location information service supporting method of claim 1, wherein, on behalf of the service provider, the location information service supporting gateway determines if locating a locating target person is possible (Fig. 3; Fig. 1).

Claims 6, 7, 20: Doi discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service supporting gateway changes the format of the location information into a format suitable for a service that uses the location information, and sends to a destination designated by a service provider that provides this service. and sends to a service provider that provides this service ([39]).

Claims 12, 21: Doi discloses a location information service supporting method of claim 1, wherein the location information obtaining service comprises: a step for determining an appropriate locating method for a mobile device accompanied with the locating target person; a step for ordering to locate the locating target person to a locating means which locates in a determined locating method; and a step for obtaining the location information sent from the locating means in response to

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the ordering ([40]; Fig. 3; Fig. 1).

Claim 15: Doi discloses wherein the location information service supporting gateway carries out the location information obtaining service and the location information sending service on schedule determined in advance ([13, 14, 36, 48]).

Claim 16: Doi discloses wherein the location information service supporting gateway periodically carries out the location information obtaining service to acquire a moving direction and a moving speed of the locating target person, and, in the location information sending service, sends the moving direction and the moving speed together with the location information ([76-79]; claim 3).

Claim 17: Doi discloses a location information service supporting method of claim 1, wherein, in the location information sending service, the location information service supporting gateway checks the reaching of location information to a destination and sends an arrival notification to a mobile device of the locating target person (Figures 1, 3, 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doi (2001/0014911).

Claim 3: Doi discloses a location information service supporting method of claim 1, wherein the second network includes a network, and wherein, in the location information sending service, the location information service supporting gateway sends the location information to a destination designated by the service provider via this mobile network (Figures 1, 3, 7, 14, 6; [53]).

Doi does not explicitly state that the second network is a mobile network.

However, note that the service provider can interact with the Internet (Fig. 1) or with the Wireless Gateway (Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the second network can also be a mobile network. One would have been motivated to do this in order to increase the flexibility of the system.

Also, note that MPEP 2144.04.VI. states that duplication of parts is obvious. Hence, it is obvious that the network the service providers use can also be a mobile network for communications. Also, note that the Internet also includes wireless networks.

4. Claims 8-11, 13, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi (2001/0014911) in view of Angles (5,933,811).

Doi discloses the above. Doi does not explicitly disclose the all the features of the dependent claims below.

Claim 8: A location information service supporting method of claim 1, wherein the

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location information service supporting gateway collects a service charge for the location information obtaining service and the location information sending service from at least one of the service providers, the locating target person, or a target person of service by the service provider.

Claims 9, 13, 22: A location information service supporting method of claim 1, wherein the location information service supporting gateway accumulates, for each of the service, the number of task processes incurred due to the provision of the service, and collects a service charge according to the number of the processes from at least one of the service providers that provide the service, the locating target person, or a target person of service by the service provider.

Or, pays the service charge to the manager of the locating means .

Claim 10: A location information service supporting method of claim 1, wherein at least one of the location information service supporting gateway or a communication carrier that provides a wireless communication service to the mobile device collects a service charge for a service provided by the service provider on behalf of the service provider.

Claim 11: A location information service supporting method of claim 1, wherein the location information service supporting gateway provides a mobile device accompanying the locating target person, collects advertisement fee from the advertiser and pays to the service provider the advertisement fee as all or a part of the service charge for the service provided by the service provider.

Claim 14: A location information service supporting method of claim 12, wherein at

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least one of the location information service supporting gateway or a communication carrier that provides a wireless communication service to the mobile device collects, on behalf of a manager of the locating means, a locating fee due to a location by the locating means.

Doi does not explicitly disclose charging or paying or providing fees based on content viewed/provided.

However, Angles discloses charging or paying or providing fees based on content viewed/provided (col 4, lines 15-57).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Angles discloses charging or paying or providing fees based on content viewed/provided to Doi's providing advertising. One would have been motivated to do this in order to better generate revenue.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Cox (7,047,019) discloses a gateway for wireless communications and advertising:

"(11) The GMLC 34 determines the geographical location of the mobile subscriber unit 28 and is equipped with a processor 48 coupled to a memory 50. The processor 48 may be implemented using any programmable processing device, such as, for example, a personal computer that runs a Linux.RTM. or Microsoft Windows NT.RTM. operating system, or a Sun.RTM. Unix work station that runs a Solaris.RTM. operating system. It should be noted that "gateway mobile location center" is a term of art that refers to a device that identifies the location of mobile subscriber units within a wireless communication system in accordance with a newly proposed addition to the Global Standard for Mobile Communications (GSM) that has been proposed to accommodate location-based

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services such as E911 and location-based advertising services. As such, the process by which the GMLC 34 performs location identification is not discussed further herein. For additional information concerning the location identification process and the equipment disposed within a conventional gateway mobile location center, the reader is referred to GSM proposed Standard No. T1P1.5/GSM 03.71. It should further be noted that the algorithm by which the GMLC 34 identifies the location of the mobile subscriber unit 28 may include any of the presently known and future methods available for location determination in a wireless communication environment, and is not intended to be limited solely to those methods or algorithms proposed in the aforementioned GSM standard”.

b) Treyz (6,587,835) discloses networks and location based targeting;

b) DeLorme (5,948,040) discloses speed and direction travel (col 75, lines 9-25).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arthur Duran
Primary Examiner
2/12/2007